

## SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

**May 29 – June 2, 2000**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
5-30	OPP	100,294	Synthes (U.S.A.) v. Charmant, Inc. U.S.A.	Cissel Hanak Hairston*	2(d)	Opposition Dismissed	"SYNTHESES" [instruments and apparatus for surgical, medical, and veterinary purposes]	"SYNTHESE-EYEZ" [eyeglass frames]			No
5-30	EX	75/029,618	Gold Glass Group Corp.	Cissel Hanak* Walters	2(d)	Refusal Affirmed		"CLICK-STOP RETRACTABLE BLADE" [utility knife blade holders and knives]	"CLIK-STOP" [adjustable wrenches]	Pappas	No
5-30	EX	74/636,932	Jack Groppel	Cissel* Wendel Holtzman	2(e)(1)	Refusal Reversed		"CORPORATE ATHLETE" [educational services, namely, conducting seminars and workshops in the field of executive personnel and support; counseling services in the field of executive personnel development and sport science]		Matthews	No
5-30	EX	75/306,785	WMGA, Inc.	Hanak Wendel* Rogers	2(d)	Refusal Affirmed		"SANTA LUCIA" [coffee beans, whole and ground]	"SANTA LUCIA" and "SANTA LUCIA (and design) [both marks for mineral water]	DuBois	No
5-30	EX	75/294,636	Generations Products, Inc.	Chapman* Rogers McLeod	2(d)	Refusal Reversed		"GENERATION PRODUCTS 'BECAUSE FAMILY IS WHAT IT'S ALL ABOUT!'" [hair lotions, hair shampoos, hair conditioners, etc.; body lotions, sunscreen preparations, skin lotions, etc.]	"GENERATION" [hair groom, hair conditioner and hair shampoo]	Ayala	No

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5-30	EX	75/339,551	Ontario, Inc.	Simms Seeherman Hairston*	2(d)	Refusal Affirmed		design incorporating the letter "C" and an oval [shirts, turtlenecks, sweaters, vests, jackets, pants, shorts, swimsuits, jeans, hats, socks, etc.]	design incorporating the letter "C" and an oval [jeans, underwear, shirts, jackets, dresses and hats]	Capshaw	No
5-31	EX	74/411,812	Michael Russell	Simms* Wendel Bucher	whether the matter applicant seeks to register functions as a trademark for the goods identified in the application	Refusal Affirmed		"DEWIE, DICKUM & HOWE" [paper, paper articles, printed matter, namely, stationery and business cards]		Katherine Bush	No
5-31	EX	75/378,636	Lifemasters Supported Selfcare, Inc.	Simms Quinn* Rogers	2(e)(1)	Refusal Affirmed		"SUPPORTED SELFCARE" [health information and monitoring services by which health care professionals can monitor and track through remote and non-remote means the current status of patients]		Sappenfield	No
5-31	EX	75/031,370	Log Cabin Homes Ltd.	Cissel* Quinn Bucher	2(e)(1); whether applicant's specimens show trademark use of its mark	Refusal Affirmed (on both grounds)		"TIMBER HOUSE" [prefabricated homes and parts therefor]		J. McMorow	No

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5-31	EX	75/168,170	American Vault & Concrete Products Corp.	Hanak* Walters McLeod	2(d)	Refusal Reversed		"EAGLE CORINTHIAN" [concrete burial vaults]	"THE CORINTHIAN" [burial caskets]	First	No
5-31	OPP	86,585	Ferrero S.p.A. v. Destileria La Central, S.A. de C.V.	Cissel Hohein* McLeod	2(d); counterclaim to cancel opposer's pleaded registration incorporating the words TIC TAC and its container and product configurations on grounds of fraud and abandonment	Opposition Sustained; counter-claim to cancel denied	"TIC TAC" ( <i>and several variations thereof</i> ) [candy or candy mints or t-shirts]	"TÍC TÁCK" (and design) [cane spirit vodka]			No
5-31	OPP	99,522	Gillette Canada Inc. v. Mas Marketing, Inc.	Seeherman* Walters Bottorff	2(d)	Opposition Sustained	"ORAL B" (in stylized lettering) [toothbrushes]; "ORAL-B" [topical fluoride gels for application to the teeth, medicated mouth rinse preparations, dental floss, toothpaste, etc.]; "ORAL-B" (in stylized lettering) [toothbrushes, dental floss, denture brushes, etc. ]	"ORAL COMPARE" [toothbrushes]			No

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5-31	EX	75/341,642	North American Publishing Co.	Simms* Wendel Holtzman	Section 6 disclaimer requirement (of the words MAGAZINE TECH)	Refusal Reversed (but disclaimer of the word MAGAZINE entered)		"MAGAZINE TECH" (and design) [conducting trade shows in the field of magazine production]		Nelson	No
5-31	EX	75/308,616	Sterling Commerce, Inc.	Seeherman Walters* Wendel	2(e)(1)	Refusal Reversed		"COMMERCE: COMMUNITY" [computer services, namely, providing an interactive computer database which enables users to access information, facilitates the exchange of information among users and allows users access to electronic forms, electronic mail, database applications, administrative tools, and information on products and ordering products from sponsors of the web site; computer services, namely, providing on-line facilities for real time interaction with other computer users concerning topics relating to electronic information services; computer services, namely, providing an on-line bulletin board in the field of electronic information services]		Hankin	No

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5-31	CANC (SJ)	26,378	Kappa Books, Inc. v. Herbko Int'l, Inc.	Seeherman Hohein Walters [Opinion "By the Board"]	2(d)	Petition to Cancel Granted [Petitioner's motion for summary judgment granted]	"CROSSWORD COMPANION" [crossword puzzle books]	"CROSSWORD COMPANION" (and design) [crossword puzzle system, namely, paper crossword puzzle rolls and hand held puzzle roll scrolling device sold as a unit and crossword puzzle replacement rolls sold separately]			No
5-31	OPP	107,081	White Consolidated Industries, Inc. v. Royal Appliance Mfg. Co.	Walters Bucher Holtzman*	de jure functionality; whether applicant's claimed mark is distinctive of its goods; whether applicant has used the mark it seeks to register	Opposition Dismissed		the color red applied across the entire surface of applicant's goods [hand-held vacuum cleaners]			No
6-1	EX	75/334,733	Amway Corp.	Walters Chapman* Wendel	2(d)	Refusal Reversed		"BANANA BOUNTY" [breakfast cereal]	"GOLDEN BOUNTY" [breakfast cereal]	T. Lee	No
6-1	OPP (R)	97,046	Health Letter Associates v. Your Child's Wellness Newsletter Inc.	Hanak Quinn Chapman*	2(d); 2(e)(1)	Request for Reconsideration granted in part; Opposition Sustained on 2(e)(1) ground	"WELLNESS LETTER" [newsletters dealing with topics of health]	"YOUR CHILD'S WELLNESS NEWSLETTER" [newsletter relating to health]			No

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6-2	CANC CANC (SJ)	26,186 26,663	Ben Davis Co. v. Topwin Corp.	Hairston Walters Wendel [Opinion "By the Board"]	2(d)	Petition to Cancel Granted (in both cases)	"PLENTY TOUGH" [clothing, including pants, coveralls, overalls, aprons, shop coats, shirts and jackets]	"PLENTY TOUGH" and "PLENTY TOUGH SPORT" (and design) [clothing, including coats, jackets, pants, shorts, jeans, mufflers, and shirts]			No
6-2	EX	75/217,681	Evolving Systems, Inc.	Hanak Hohein (D) Hairston*	2(e)(1)	Refusal Reversed		"NUMBERMANAGER" [computer software for use in telecommunications, namely, to route customer data from a regional network to carriers within the network and to verify the customer data for facilitating number portability]		G. Clark	No
6-2	EX	75/332,218	Pitsco, Inc.	Simms Wendel* Holtzman	2(e)(1)	Refusal Affirmed		"INVENTIONEERING" [educational product, namely, a kit consisting of components including rubber bands, paper clips, wheels, balloons, gears, and straws and instructions for the design and construction of structural and mechanical models]		Perez	No

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